

0070



southern  
utah  
wilderness  
alliance

KC/025/005 Incoming  
John  
CC: Dana  
Priscilla  
Joe  
Jim  
Dave  
Wayne  
Steve A.  
Daron

May 22, 2008

Daron Haddock  
Utah Division of Oil, Gas and Mining  
1594 West North Temple  
P.O. Box 145801  
Salt Lake City, Utah 84114

Keith Rigtrup  
Bureau of Land Management – Kanab Field Office  
318 North 100 East  
Kanab, Utah 84741

Re: Southern Utah Wilderness Alliance Request for Section 106 Consulting Party Status  
Coal Hollow Permit Application C/025/0005 and Alton Coal Development Federal  
Coal Lease Application

Dear Daron and Keith:

The Southern Utah Wilderness Alliance (SUWA) is intensely interested in the proposed Coal Hollow coal mine and its potential adverse effects on historic properties both at the mine site itself and the adjacent areas. SUWA would like to participate actively in the review process as a “consulting party” under Section 106 of the National Historic Preservation Act, pursuant to 36 C.F.R. § 800.2(c)(5). We understand that the review process is already underway in the preparation of a cultural resource management plan (CRMP) and data recovery plan – and perhaps a programmatic agreement between several state, federal and private entities. We also note that the State Historic Preservation Office has encouraged the Utah Division of Oil, Gas and Mining on multiple occasions to solicit public involvement: “Given the high public interest in this project, and the overall size of the potential effects, I recommend that the public be more involved than is usual. . . . Let’s define ‘the public’ based on the interested parties (more than just USAS, probably also members of the towns of Alton, and the surrounding area, tribes, as well as other citizens of the state. . . . The public should be consulted early and often.” See Technical Memorandum, Coal Hollow, Alton Coal Development LLC, Coal Hollow Mine, C/025/0005 Task #2910 at 6 (May 8, 2008). See *id.* at 7 (“The CRMP needs to include a public involvement plan that [m]akes efforts to fully define and identify stakeholders (beyond USAS) who have interests in the cultural resources in this project area. This needs to start at the beginning of the project, not at Phase III.”) (emphasis added).

SUWA is non-profit, 15,000 member environmental organization dedicated to the preservation of Utah’s wild lands and has been involved in such protection for approximately nineteen years. SUWA is recognized to have expertise in matters of preservation and public land

File in:  
C/0250005, 2008, Incoming  
Refer to:  
☐ Confidential  
☐ Shelf  
☒ Expandable  
Date 5/22/08 For additional information

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DIV. OF OIL, GAS & MINING

law. We are frequently solicited for comment on such issues by local and national media, as well as various federal agencies. We have offices in Washington D.C., Moab, and Salt Lake City, and have five attorneys trained in public land law.

- SUWA has been actively involved in cultural and historic resource protection for many years. In 2002, SUWA published a report entitled "Preserving Prehistory," which discussed some of the most pressing threats at that time to cultural and historic properties. A copy of the report is available at SUWA's website:  
[http://www.suwa.org/page.php?page\\_name=Camp\\_Ancient\\_Home](http://www.suwa.org/page.php?page_name=Camp_Ancient_Home). In addition, SUWA has been at the forefront of National Historic Preservation Act litigation and works closely with various state and federal agencies, as well as Indian tribes and other non-profit organizations to ensure that cultural and historic properties are given the full protections authorized by federal law.
- Many members of SUWA live within a few hours of the permit and adjacent area and frequently visit the area to view and appreciate the cultural and historic properties that may be adversely affected by the proposed coal mining operations.
- SUWA was recently made a consulting party by the Division for that agency's Section 106 compliance efforts regarding the proposed Lila Canyon coal mine in Emery County.

Because of SUWA's detailed understanding of the Section 106 process, our familiarity with historic and cultural properties in the greater Alton and Panguitch areas, and our understanding of the potential damaging impacts that coal mining operations can have to those properties, we believe that SUWA can provide the Division and the Bureau of Land Management with important information and a valuable perspective as a consulting party under Section 106.

We look forward to participating as a consulting party as the review and consultation process move forward for the Coal Hollow Permit Application (Division) and Federal Coal Lease Application (BLM). Feel free to contact me with any questions that you may have about SUWA's request for consulting party status: (801) 486-3161 x.3981.

Sincerely,



Stephen Bloch  
Staff Attorney

cc: Lori Hunsaker, Public Lands Policy Coordination Office  
Matt Seddon, State Historic Preservation Office  
Barbara Pahl, National Trust for Historic Preservation